

## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Brandice Elliott, Case Manager  
 JL Joel Lawson, Associate Director Development Review  
**DATE:** March 24, 2015  
**SUBJECT:** BZA Case 18951, 1534 Swann Street, N.W.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following:

- § 403.2, Lot Occupancy (60% maximum, 100% proposed);
- § 404.1, Rear Yard (20 feet required, 0 feet proposed); and
- § 2001.3, Nonconforming Structures

### **II. LOCATION AND SITE DESCRIPTION**

Address	1534 Swann Street, N.W.
Legal Description	Square 191, Lot 92
Ward	2, 2B
Lot Characteristics	The rectangular lot is 728 square feet in area, and is bordered on the east by a ten foot wide public alley, and on the south by a 14 foot wide public alley. It has a frontage of 16.92 feet along Swann Street, N.W.
Zoning	DC/R-4 – Row dwellings
Existing Development	Row dwelling, permitted in this zone.
Historic District	Greater U Street Historic District Sixteenth Street Historic District
Adjacent Properties	Adjacent properties are primarily row dwellings, with the exception of a few larger apartment buildings.
Surrounding Neighborhood Character	The surrounding neighborhood character is primarily residential, with multi-family developments located along 16 <sup>th</sup> Street, and row dwellings located east of 16 <sup>th</sup> Street. The nearest commercial corridor is located on U Street, which is approximately two blocks north of the subject site.

### III. APPLICATION IN BRIEF

The applicant proposes to construct a nine foot by 17 foot deck, four feet, nine inches above grade in the rear yard. The deck would cover the existing concrete pad, which is four feet below grade, creating functional space in the rear yard. The deck would be largely concealed by an existing wood privacy fence that surrounds the rear yard, and approximately one foot to eighteen inches of the deck railing would be visible above the fence.

### IV. ZONING REQUIREMENTS and RELIEF REQUESTED

<b>R-4 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height § 400	40 ft. max.	Not provided	Not provided	None required
Lot Width § 401	18 ft. min.	16.92 ft.	16.92 ft.	Existing nonconforming
Lot Area § 401	1800 SF min.	728 SF	728 SF	Existing nonconforming
Floor Area Ratio § 402	None prescribed	--	--	None required
Lot Occupancy § 403	60% max.	84%	100%	<b>Required</b>
Rear Yard § 404	20 ft. min.	9 ft.	0 ft.	<b>Required</b>

### V. OFFICE OF PLANNING ANALYSIS

#### **a. Variance Relief from § 403, Lot Occupancy; § 404, Rear Yard; § 2001.3, Nonconforming Structures**

##### **i. Exceptional Situation Resulting in a Practical Difficulty**

The applicant has demonstrated that there is an exceptional situation resulting in a practical difficulty. The subject lot, having a square foot area of 728 square feet, is among the three smallest lots on the square. In contrast, the average lot size of a lot accommodating a row dwelling in this square is 1,590 square feet. The permitted lot occupancy on the average lot size is 954 square feet, which surpasses the entire area of the lot in question. The subject property also has the smallest dwelling footprint at 611 square feet, which is 40% smaller than the average dwelling footprint of 996 square feet. These figures demonstrate that the size of the lot and the area of the dwelling present an exceptional situation that makes modernization of the dwelling, including the addition of a deck, practically difficult.

The rear yard lacks functionality in its present condition, as it consists of a concrete slab located four feet below grade, and a landing and stairs accessed from the first floor. The proposed 153 square foot deck would allow for increased accessibility and functionality of the rear yard, as it would provide outdoor space to the homeowner as well as to the basement tenant. The current configuration of the rear yard is a uniqueness that makes it practically difficult to use.

Finally, the applicant notes that the floor plan of the dwelling does not provide significant livable space. The dwelling is approximately ten feet shorter than others located on the eastern portion of the same block, which results in less useable space on the ground floor, particularly since much of

that area is occupied by stairs and other circulation needs. The proposed deck arguably creates less impact than an addition to the dwelling that would create larger common spaces on the first floor.

While OP is typically not supportive of 100% lot occupancy relief, the applicant has demonstrated that the size of the lot and the existing condition of the rear yard make the space practically difficult to use. Further, in this case, the deck simply provides access to the rear yard. OP may not be supportive of additions to the dwelling that would increase the bulk of the structure.

## **ii. No Substantial Detriment to the Public Good**

The requested relief would not likely cause substantial detriment to the public good. The proposed deck would not be visible from Swann Street or the alley, with the exception of the railing, which would project one foot to eighteen inches above the existing fence. The deck would not be out of character for the neighborhood, as several properties within the square have a deck, many of which are located at a higher elevation and are more visible than what has been proposed with this application.

The applicant has received several letters of support from neighbors, including one from the immediate neighbor to the east and one from the tenant that occupies the basement.

## **iii. No Substantial Harm to the Zoning Regulations**

The requested relief should not cause substantial harm to the Zoning Regulations. The small lot was created prior to the adoption of the Zoning Regulations, and is nonconforming in terms of lot area, which is 40% of that which is required by the Regulations, and 45% the area of the average lot in the square. The deck would create a functional space in the rear yard without expanding the bulk of the dwelling, which is consistent with the intent of the Zoning Regulations.

## **VI. COMMENTS OF OTHER DISTRICT AGENCIES**

Comments from other District Agencies have not been received; however, it is anticipated that DDOT will file a report under separate cover.

## **VII. COMMUNITY COMMENTS**

At its regularly scheduled meeting on March 11, 2015, ANC 2E voted to recommend approval of the requested relief. In addition, several letters of support from adjacent neighbors have been submitted to the file.

Attachment: Location Map

### Location Map

